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ABSTRACT

This manual assists South Carolina service providers in their efforts to comply with components of Public Law 94-142, Education of All Handicapped Children Act, in order to assure that handicapped children receive an appropriate education. The manual is designed as an evaluation tool for school districts to record areas of compliance and to identify problems. The manual covers the following areas: policy requirements of local education agencies, policy requirements of state-operated programs, due process hearings, procedural safeguards, confidentiality, individualized education programs, verification of annual child count, program entry, surrogate parents, and least restrictive environments. For each area, a checklist of requirements is printed, along with the legal citation from Public Law 94-142 or related state regulations. (JDD)

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Monitoring Manual For Determining Compliance With Public Law 94-142

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SOUTH CAROLINA DEPARTMENT OF EDUCATION

COLUMBIA, SOUTH CAROLINA

REVISED: JULY, 1987

South Carolina Department of Education: An Equal Opportunity Agency

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Monitoring Manual For Determining Compliance With Public Law 94-142

SOUTH CAROLINA DEPARTMENT OF EDUCATION

COLUMBIA, SOUTH CAROLINA

REVISED: JULY, 1987

South Carolina Department of Education: An Equal Opportunity Agency

INTRODUCTION

The State Educational Agency is required to ensure that all components of Public Law 94-142, Education of All Handicapped Children Act, are adhered to regardless of the agency providing, or delivering, the service as mandated in §612(6) of Public Law 94-142. The State Superintendent of Education is required to withhold EHA-B funds if he finds that there is a failure to comply substantially with any provisions of the statute. Under Section 504 of the Rehabilitation Act of 1973 as amended by Public Law 93-112 and 93-516, however, the Office of Civil Rights may require the withholding of all federal funds when discrimination against the handicapped occurs.

The State Department of Education, Office of Programs for the Handicapped, sincerely hopes that it will never be necessary to exercise such sanctions, and, surely, resolution can be reached before such a step would have to be taken. The objective of this office shall be to help districts stay in compliance so that handicapped children can be assured of an appropriate education.

This manual is designed to assist service providers as they strive to provide a full service goal for all handicapped pupils.

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POLICY REQUIREMENTS
LOCAL EDUCATION AGENCIES

State Department of Education
Office of Programs for the Handicapped

School District _____

Date Monitored _____

Monitoring Team Members _____ (Chairperson)

_____

_____

_____

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 —Tuesday, August 23, 1977).

	YES	NO
1. (a) The LEA conducts on-going community awareness activities to locate, identify and evaluate all handicapped children. Reference: §300.220 (Documentation may include: correspondence directed to state, community, and private agencies; correspondence directed to local physicians, clergymen, and directors of nursery schools, head start programs, private parochial schools, day care centers, etc; newspaper, TV, and radio announcements; brochures and posters; presentations at various community meetings; etc.)	☐	☐
(b) The LEA conducts on-going school awareness activities to locate, identify and evaluate all handicapped children. Reference: §300.220 (Documentation may include evidence that the following activities were conducted: dissemination of observable signs of handicapping conditions to appropriate school personnel; reviewing pupil records; conducting in-service training; establishing effective referral procedures for children suspected of being handicapped; etc.)	☐	☐
(c) The LEA conducts screening and evaluation of its preschool and school-aged population to determine which children may be handicapped and require programs of special education and related services. Reference: §300.220 (Documentation may include: announcements of screening/evaluation clinics scheduled; dated listing of children screened/evaluated; written reports from sources where children were referred for evaluation; etc.)	☐	☐
2. The LEA maintains dated documentation (newspaper/radio/TV announcements, letters to parents, announcements at PTA/PTO meetings, etc.) that the application for P.L. 94-142 funds and all related documents have been made available to parents and the general public. Reference: P.L. 94-142 §614(a)(4)	☐	☐
3. There is written evidence (hearing aid checklist for routine monitoring, schedule for periodic acoustic analysis, audiological reports, etc.) that the LEA insures that the hearing aids worn by hearing handicapped pupils are functioning properly. Reference: §300.303	☐	☐
4. The LEA transmits findings and decisions of due process hearings (after deleting personally identifiable information) to the Office of Programs for the Handicapped for transmission to the Advisory Committee. Reference: §300.508(a)(5)	☐	☐
5. The LEA maintains:		
(a) a list of persons serving as local hearing officers;	☐	☐
(b) a statement of the qualifications of each person serving as a local hearing officer. Reference: §300.507(c)	☐	☐
6. The LEA maintains a registry of eligible persons to serve as surrogate parents. Reference: State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.	☐	☐

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	YES	NO
7. The LEA maintains equipment records/lists which include the following information:		
(a) a description of the equipment, including manufacturer's model number, if any;	☐	☐
(b) an identification number, such as the manufacturer's serial number;	☐	☐
(c) identification of the grant under which the recipient acquired the equipment;	☐	☐
(d) the information needed to calculate the Federal share of the equipment;	☐	☐
(e) acquisition date and unit acquisition cost;	☐	☐
(f) location, use, and condition of the equipment and the date the information was reported;	☐	☐
(g) all pertinent information on the ultimate transfer, replacement, or disposition of the equipment. Reference: EDGAR §74.140(a)(1)-(7)	☐	☐

	YES	NO
8. The LEA has written documentation (inventory form, etc.) that a physical inventory is conducted at least every two (2) years to verify the existence, current utilization, and continued need for equipment. Reference: EDGAR §74.140(b)	☐	☐
9. There is evidence that equipment purchased by the LEA is properly labeled/identified to indicate the date and financial resources for its purchase. Reference: EDGAR §74.131	☐	☐

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POLICY REQUIREMENTS
STATE OPERATED PROGRAMS

State Department of Education
Office of Programs for the Handicapped

Agency _____

Date Monitored _____

Monitoring Team Members _____ (Chairperson)

_____

_____

_____

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 —Tuesday, August 23, 1977).

	YES	NO
1. The SOP has established and implemented a goal of providing full educational opportunity to all handicapped children in the area served by the SOP. Reference: §300.304	☐	☐
2. There is written evidence (hearing aid checklist for routine monitoring, schedule for periodic acoustic analysis, audiological reports, etc.) that the SOP insures that the hearing aids worn by hearing handicapped pupils are functioning properly. Reference: §300.303	☐	☐
3. The SOP has developed written procedures for conducting impartial due process hearings. (Refer to Supplementary Worksheet A.) Reference: §300.506	☐	☐
4. The SOP transmits findings and decisions of due process hearings (after deleting personally identifiable information) to the Office of Programs for the Handicapped for transmission to the Advisory Committee. Reference: §300.508(5)	☐	☐
5. The SOP maintains a list of persons serving as local hearing officers. Reference: §300.507(c)	☐	☐
6. The SOP maintains a statement of the qualifications of each person serving as a hearing officer. Reference: §300.507(c)	☐	☐
7. The SOP has developed written procedures which insure that procedural safeguards are operative to protect the rights of handicapped children (Refer to Supplementary Worksheet B.) Reference: §300.501	☐	☐
8. The SOP has developed written procedures for assigning an individual to act as a surrogate parent including:		
(a) the determination of need for a surrogate parent to insure the following:		
(1) no parent (as defined in §300.10) can be identified;		
(2) the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or		
(3) the child is a ward of the State under the laws of that State. Reference: §300.514(a)	☐	☐
(b) the actual assignment of a surrogate parent in matters relating to the following:		
(1) the identification, evaluation, and educational placement of the child, and		
(2) the provision of a free appropriate public education to the child. Reference: §300.514(b)	☐	☐
(c) the removal of a surrogate parent in the following instances:		
(1) the parent appeared to represent the child, revoked consent or when the child is no longer eligible for special education;		

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	YES	NO
(2) a person serving as a surrogate submits his/her resignation in writing to the superintendent or his designee; or		
(3) in cases where there are disagreements about the choice of a surrogate, a due process hearing may be conducted to challenge the qualifications of the person serving as a surrogate parent. Reference: South Carolina Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.		
9. The SOP has developed written procedures to insure that surrogate parents meet the following qualifications:		
(a) be adults with no vested interest that would conflict with their primary allegiance to the child they represent;		
(b) be thoroughly acquainted with the child's educational needs;		
(c) possess an understanding of the cultural and linguistic background of the child they represent; and		
(d) not be an employee of the LEA/agency involved in the education or care of the child. (A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.) Reference: §300.514(c)	☐	☐
10. The SOP maintains a registry of eligible persons to serve as surrogate parents. Reference: State Board of Education Regulation 43-243, *Code of Laws of South Carolina, 1976*, Volume 24.	☐	☐
11. The SOP has developed written policies regarding the maintenance of confidentiality. Reference: §300.221 and §99.5 of Section 438 of General Provisions Act as amended by P.L. 93-380.	☐	☐
12. The SOP has developed written procedures regarding the maintenance of confidentiality. (Refer to Supplementary Worksheet C.) Reference: §300.221 §99.5 of Section 438 of General Provisions Act as amended by P.L. 93-380.	☐	☐
13. The SOP has developed written procedures to insure, that to the maximum extent possible, handicapped children are educated in the least restrictive environment. Reference: §300.550-552, §300.227	☐	☐

	YES	NO
14. The SOP has developed written procedures regarding the development, implementation and review of Individualized Educational Programs (IEPs) for handicapped children. (Refer to Supplementary Worksheet D.) Reference: §300.130(b)	☐	☐
THE FOLLOWING ITEMS ARE APPLICABLE ONLY IF THE SOP HAS PURCHASED EQUIPMENT AND/OR NONCONSUMABLE MATERIALS WITH PUBLIC LAW 94-142 FUNDS:		
15. The SOP maintains records/lists which include the following information:		
(a) a description of the equipment, including manufacturer's model number, if any;	☐	☐
(b) an identification number, such as the manufacturer's serial number;	☐	☐
(c) identification of the grant under which the recipient acquired the equipment;	☐	☐
(d) the information needed to calculate the Federal share of the equipment;	☐	☐
(e) acquisition date and unit acquisition cost;	☐	☐
(f) location, use, and condition of the equipment and the date the information was reported;	☐	☐
(g) all pertinent information on the ultimate transfer, replacement, or disposition of the equipment. Reference: EDGAR §74.140(a)(1)-(7)	☐	☐
16. The SOP has written documentation (inventory form) that a physical inventory is conducted at least every two (2) years to verify the existence, current utilization, and continued need for equipment. Reference: EDGAR §74.140(b)	☐	☐
17. There is evidence that equipment purchased by the SOP is properly labeled/identified to indicate the date and financial resources for its purchase. Reference: EDGAR §74.131	☐	☐

PROGRAM ENTRY

Refer to pages 20-22 for the Program Entry requirements for State Operated programs (SOPs). All items in this section are applicable to State Operated Programs in accordance with the criteria specified in each agency's **Educational Standards** or **Defined Minimum Program.**

Note: Items 1, 2, 4 and 6 are not applicable for SOPs whose **Educational Standards/Defined Minimum Program** include evaluative criteria/procedures which are different from these specified in the **Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped.**

INDIVIDUALIZED EDUCATION PROGRAMS

Refer to pages 23-25 for the IEP requirements for State Operated Programs. All items in this section (with the exception of Items 12-15 are applicable to SOPs).

Supplementary Worksheet A

DUE PROCESS HEARING

The LEA has developed written procedures for conducting impartial due process hearings which include the following procedural components:

	YES	NO
I. Prior to Hearing Initiated by LEA/SOP or Parents		
A. A parent or the LEA/SOP may initiate a hearing on any of the matters described in §300.504(a)(1) and (2).	☐	☐
B. The hearing must be conducted by the LEA/SOP directly responsible for the education of the child as determined under State statute/State regulation.	☐	☐
C. Parents are notified by registered/certified mail on the same day as the LEA/SOP files a request with the hearing officer. The notice shall include:		
1. a copy of the original notice requesting permission for the proposed action;	☐	☐
2. a statement that school files, reports and records pertaining to the child are available for inspection and copying;	☐	☐
3. a description of all the rights regarding procedures at the hearing;	☐	☐
4. a list of agencies in the community where free/low cost legal services and other relevant services are available;	☐	☐
5. statement of both parties' right to appeal the decision of the due process hearing.	☐	☐
** D. The LEA/SOP will submit the request to a hearing officer within ten (10) days* after receiving the request on a hearing initiated by parents.	☐	☐
** E. The hearing officer notifies parties five (5) days after receiving the request.	☐	☐
** F. The notification of the hearing is provided at least twenty (20) days prior to the hearing.	☐	☐
G. The notice informs parties of their right to:		
1. be accompanied and advised by counsel and by individuals with special knowledge or training;	☐	☐
2. present evidence, confront, cross-examine, and compel the attendance of witnesses;	☐	☐
3. prohibit the introduction of any evidence not disclosed to the other party at least five (5) days prior to the hearing;	☐	☐
4. obtain written or electronic verbatim record of the hearing;	☐	☐
5. have the child present during the hearing;	☐	☐
6. open the hearing to the public;	☐	☐
7. have the child remain in the present educational placement during pendency of the proceedings;	☐	☐
8. place the child, with consent of parents, when proceedings involve initial admission to public school.	☐	☐
II. During Hearing		
A. Final decision is reached within forty-five (45) days of the initial request and transmitted to all parties.	☐	☐
B. Hearing officer presides over hearing.	☐	☐
C. Verbatim record is made.	☐	☐
D. Interpreters provided, when necessary.	☐	☐

* The term "days," hereafter, is defined as calendar days.
** The timeline is not applicable for SOPs.

	YES	NO
E. A hearing or reviewing officer may grant specific extensions of time beyond the forty-five (45) day timeline at the request of either party.	☐	☐
F. Each hearing and each review involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and child involved.	☐	☐
G. Documentation (correspondence) exists to verify that the LEA/SOP adheres to the 45 calendar day requirement for completion of a local due process hearing. Reference: §300.512(a)	☐	☐
III. Decision		
A. Issued within five (5) days after hearing.	☐	☐
B. Issued in writing by hearing officer by registered/certified mail.	☐	☐
C. Decision shall include findings of fact, conclusions, and reasons for these findings and conclusions.	☐	☐
D. Hearing officer shall make an independent decision based solely on evidence and testimony presented at the hearing.	☐	☐
E. Copy of verbatim record of hearing shall be provided upon request of parent.	☐	☐
F. The decision shall include a statement of both parties' rights to an appeal.	☐	☐
G. If either party disagrees with the decision following a due process hearing, an SEA appeal (to be conducted in accordance with §300.510) may be initiated within ten (10) days of receiving notice of the decision.	☐	☐

	YES	NO
H. Decision of the hearing officer is binding on all parties.	☐	☐
I. Any action directed by the hearing officer will be initiated immediately unless an appeal is filed.	☐	☐
J. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under §300.510 and any party aggrieved by the decision of a reviewing officer under §300.510 has the right to bring a civil action.	☐	☐
IV. Qualifications of Hearing Officer		
The SOP recruits local hearing officers who meet the following qualifications:		
A. A person serving as a hearing officer will be selected without regard to race, sex, creed or handicapping condition.	☐	☐
B. A person serving as a hearing officer must be unbiased toward any party involved in the hearing.	☐	☐
C. A person serving as a hearing officer must have no personal or professional interest which would conflict with his/her objectivity in the hearing.	☐	☐
D. A person serving as a hearing officer must not be an officer, agent, school board official, or an employee of a public agency (including the State Department of Education) which is involved in the education or care of the child. (A person is not an employee of the public agency because he/she is paid to serve as a hearing officer.)	☐	☐

Supplementary Worksheet B
PROCEDURAL SAFEGUARDS

	YES	NO
I. Notification		
The LEA/SOP has developed written procedures for notification of procedural safeguards which insure that:		
A. Notification to parents must be provided in the primary language of the home, unless it is clearly not feasible to do so;	☐	☐
B. Notification is written in language understandable to the general public, and	☐	☐
C. If the native language or other mode of communication of the parent is not a written language, the LEA/SOP shall take steps to insure that:		
(1) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;	☐	☐
(2) the parent understands the content of the notice, and	☐	☐
(3) there is written evidence that these requirements have been met.	☐	☐
II. Independent Educational Evaluation		
The LEA/SOP has developed written procedures relative to independent educational evaluations which provide that:		
A. Parents are informed of their right to obtain an independent evaluation;	☐	☐
B. A list of places where a parent may obtain an independent evaluation will be provided upon request;	☐	☐
C. When a parent requests an independent evaluation at public expense, the LEA/SOP may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to obtain an independent educational evaluation, but not at public expense;	☐	☐
D. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the LEA/SOP in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a hearing regarding the child;	☐	☐
E. If a hearing officer requests an independent evaluation as part of the hearing, the cost of the evaluation must be at public expense;	☐	☐
F. Whenever an independent evaluation is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the LEA/SOP uses when it initiates an evaluation.	☐	☐
III. Parental Consent/Notification		
A. The LEA/SOP has developed policies/procedures which insure that parental consent is obtained prior to:		
1. conducting a preplacement evaluation;	☐	☐
2. initial placement of a handicapped child in a program providing special education and related services;	☐	☐
3. any change in educational placement following initial placement (with the exception of pupil dismissal, which requires parent notification and the opportunity for input into the decision).	☐	☐
B. When the LEA/SOP proposes/refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education to the child, a notice must be provided to parents which includes the following:		
1. a description of the action proposed/refused by the LEA/SOP;	☐	☐
2. an explanation of the reasons for proposing/refusing to carry out the requested action;	☐	☐
3. a description of any options considered and the reasons for rejecting these options;	☐	☐

	YES	NO
4. a statement of the parents' right to request a due process hearing and a full description of the procedural safeguards available;	☐	☐
5. a description of any factors relevant to the action.	☐	☐

IV. Procedures for Evaluation

The LEA/SOP has developed written procedures relative to evaluation which address the following components:

A. Notification to parents prior to conducting a preplacement evaluation must include:

	YES	NO
1. the reasons for the requested evaluation and the name of the person who initiated the process;	☐	☐
2. the proposed evaluation procedures;	☐	☐
3. a statement that the evaluation will be completed and that the parents will be informed of the evaluation schedule;	☐	☐
4. a description of the testing procedures and instruments to be utilized and the limitations of the instruments;	☐	☐
5. a description of how the findings of the evaluation will be used;	☐	☐
6. a statement that the parents will be informed of the results of the evaluation;	☐	☐
7. a description of all procedural safeguards available;	☐	☐
8. a statement of the parents' right to refuse permission for the evaluation, with the understanding that the LEA/SOP can request a hearing to present its reasons and try to obtain approval to conduct the evaluation;	☐	☐
9. an explanation of other rights pertaining to the evaluation process;	☐	☐
10. a list of the sources whereby a parent may obtain free/low cost legal services;	☐	☐
11. a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;	☐	☐
12. a statement of any other factors relevant to the proposed action.	☐	☐

	YES	NO
B. Parents must be notified of the evaluation schedule.	☐	☐

C. Before any action is taken with respect to the initial placement or reevaluation of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs must be conducted in accordance with the following requirements:

1. Tests and other evaluation materials:

	YES	NO
a. are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;	☐	☐
b. have been validated for the specific purpose for which they are used;	☐	☐
c. are administered by trained personnel in conformance with the instructions provided by their producer;	☐	☐
d. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;	☐	☐
e. tests are selected and administered so as best to insure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure);	☐	☐
f. no single procedure is used as the sole criterion for determining an appropriate educational program for a child;	☐	☐
g. the evaluation is conducted by a multidisciplinary team or group of persons, including at least one		

teacher or other specialist with knowledge in the area of suspected disability.

h. the child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

2. Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory.

D. Following evaluation, the LEA/SOP shall notify the parents that the evaluation has been completed. The notice shall include the following:

1. the results of the evaluation and the educational implications;

2. a statement of the parents' right to attend a meeting of the staff/placement committee;

3. a statement of the parents' right to refuse permission for placement, with the understanding that the LEA/SOP can request a due process hearing to present its reasons and try to obtain approval for placement;

4. an explanation of other rights pertaining to the placement process;

5. a full description of all procedural safeguards available;

6. a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;

7. a list of the sources whereby a parent may obtain free/low cost legal services;

8. a statement of any other factors relevant to the proposed action.

V. Procedures for Placement

The LEA/SOP has developed written procedures relative to placement which address the following components:

A. In interpreting evaluation data and in making placement decisions, each public agency shall:

(1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;

(2) insure that information obtained from all of these sources is documented and carefully considered;

(3) insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(4) insure that the placement decision is made in conformity with the least restrictive environment rules in §300.550-300.554

B. If a determination is made that a child is handicapped and needs special education and related services, an individualized education program must be developed for the child in accordance with §300.340-300.349 of Subpart C.

C. Within thirty (30) days after determining a child's need for special education and related services, a meeting to formulate an individualized education program (IEP) must be conducted.

VI. Procedures for Reevaluation

The LEA/SOP has developed written policies/procedures relative to reevaluation which address the following components:

A. The LEA/SOP shall notify parents prior to conducting a meeting to review the IEP and prior to reevaluating a pupil.

B. The notice shall be consistent with the contents and timelines for the notification described in preceding sections on evaluation and placement.

C. The LEA/SOP has written procedures to insure that handicapped children shall be reevaluated more frequently than the required three (3) year intervals if conditions warrant or if the child's parent or teacher requests an evaluation.

Supplementary Worksheet C
CONFIDENTIALITY

I. Access Rights

The LEA/SOP has developed procedures which guarantee that parents/surrogates have full and free access to information collected and maintained by the LEA/SOP which include the following procedural components:

	YES	NO
A. Inspect and review any education records relating to their children;	☐	☐
B. Inspect and review only the information relating to their child or to be informed only of that specific information if any education record includes information on more than one child;	☐	☐
C. Presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.	☐	☐
D. Have records made available by the public agency, upon written or oral request, without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation or placement of the child, and in no case, more than forty-five (45) days* after the request has been made;	☐	☐
E. Obtain copies of all records pertaining to their child from the public agency at a reasonable cost, or at no cost, if the fee would prohibit the parents from obtaining copies of these records.	☐	☐
F. LEA/SOP may not charge a fee to search for or to retrieve the requested information;	☐	☐
G. Have a representative inspect and review records pertaining to their child, subject to the parents' providing written authorization;	☐	☐
H. Receive response from LEA/SOP to reasonable requests made by the parent/surrogate for explanations or interpretations of data pertaining to their children;	☐	☐
I. Challenge the accuracy or appropriateness of data pertaining to their children;	☐	☐
J. Authorize or deny, by virtue of informed consent, requests for inspection, review or usage of data for purposes or to parties other than those authorized by law;	☐	☐
K. Receive, upon specific request, (i) a list of names of persons to whom personally identifiable data has been released, (ii) an explanation of the specific type of data released, (iii) the purpose for which it was released, and (iv) the date of release;	☐	☐
L. Receive, upon specific request, the name of the designated person who is responsible for the collection and maintenance of personally identifiable data in the LEA/SOP;	☐	☐
M. Receive, upon specific request, a list of the types of data collected and the specific location thereof;	☐	☐
N. Receive, upon specific request, copies of printed policies and procedures developed to insure confidentiality;	☐	☐
O. Provide parents the right to request appropriate amendments to data which they believe is inaccurate, misleading, or violates the privacy or other rights.	☐	☐

* The term days, hereafter, is defined as calendar days.

	YES	NO
P. Insure that following receipt of a formal request from parents for appropriate amendments to data, the LEA/SOP notifies parents within fifteen (15) days* of the disposition of the request. (The fifteen (15) day timeline is not applicable for SOPs.)		
1. When the parents' request is accepted, the appropriate amendments shall be made.	☐	☐
2. When the request is denied, parents shall be informed of their right to request a hearing.	☐	☐

II. Hearing Rights

The LEA/SOP has developed written procedures which provide an opportunity for a hearing to challenge information in educational records to insure that it is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child which include the following procedural components:

A. When the decision of the hearing officer is that the data is inaccurate, the appropriate amendments shall be made and the LEA/SOP will inform the parent in writing.	☐	☐
B. When the decision of the hearing officer is that the data is accurate, the LEA/SOP shall inform parents of their right to provide the LEA/SOP with a written statement of their reasons for disagreeing with the data.	☐	☐
1. The statement shall be attached to the data and remain as long as the contested portion of the data is maintained.	☐	☐
2. Disclosure of the contested portion of the data to authorized persons, subsequently, shall include a copy of the parents' statement.	☐	☐
C. A hearing held under §300.568 of this subpart must be conducted according to the procedures under §99.5 of Section 438 of the General Provisions Act as amended by P.L. 93.380.	☐	☐

III. Safeguards

The LEA/SOP has developed procedures to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages to include the following components:

A. Training or instruction regarding state policies and procedures shall be provided to persons collecting or using personally identifiable data.	☐	☐
B. One official at the LEA/SOP shall be designated as the responsible person for insuring confidentiality.	☐	☐
C. The LEA/SOP shall maintain for public inspection a list of names and positions of those employees having access to personally identifiable data and a record of any other party permitted access.	☐	☐

IV. Destruction of Data

The LEA/SOP has developed procedures relative to destruction of data which include the following components:

A. The LEA/SOP shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child and apprise them of their right to have this information destroyed.	☐	☐
B. Personally identifiable information maintained on a handicapped child may be retained permanently, unless the parents request that it be destroyed.	☐	☐
C. Personally identifiable information must be destroyed at the request of parents (except that the student's name, address, phone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation).	☐	☐
D. Forty-five (45) days prior to destruction of any personally identifiable information, the parents shall be notified that they have the right to request and be provided a copy of any data.	☐	☐

V. Children's Rights

The LEA/SOP has developed written procedures relative to children's rights which include the following components:

A. Upon reaching the age of majority pupils shall have the same rights as the rights of parents.	☐	☐
B. In those instances of a severely or profoundly handicapped child who is legally determined to be incompetent to make such decisions for himself, and for whom legal guardianship is required beyond the age of majority, the legal guardian shall maintain the rights to privacy as outlined.	☐	☐

Supplementary Worksheet D
INDIVIDUALIZED EDUCATION PLANS

The LEA/SOP has developed written procedures which insure that:

	YES	NO
I. Meetings		
A. Individualized education programs (IEPs) must be in effect before special education and related services are provided;	☐	☐
B. IEPs must be implemented as soon as possible following the meetings;	☐	☐
C. A meeting is initiated and conducted for the purpose of developing, reviewing, and revising (if warranted) a handicapped child's individualized education program;	☐	☐
D. Each meeting includes the following participants:		
(1) a representative of the LEA/SOP, other than the child's teacher, who is qualified to provide, or supervise the provision of special education;	☐	☐
(2) the child's teacher;	☐	☐
(3) one or both of the child's parents, subject to §300.345;	☐	☐
(4) the child, where appropriate;	☐	☐
(5) other individuals at the discretion of the parent or agency; and	☐	☐
(6) evaluation personnel for a handicapped child who has been evaluated for the first time. The LEA/SOP shall insure:		
(a) that a member of the evaluation team participates in the meeting; or	☐	☐
(b) that the representative of the public agency, the child's teacher, or some other person is present at the meeting, who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation.	☐	☐

	YES	NO
II. Parent Participation		
A. Parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including:		
(1) notifying parents of the meeting early enough to insure that they will have an opportunity to attend;	☐	☐
(2) scheduling the meeting at a mutually agreed on time and place;	☐	☐
(3) notifying parents of the purpose, time, and location of the meeting, and who will be in attendance;	☐	☐
(4) utilizing other methods to insure parent participation (including individual or conference telephone calls) if neither parent can attend;	☐	☐
(5) requesting a rescheduling of the individualized education program meeting;	☐	☐
(6) being informed who will be in attendance prior to the individualized education program conference;	☐	☐
(7) notifying parents that the child has a right to be a participant at the scheduled meeting;	☐	☐
(8) bringing other participants to the individualized education program meeting;	☐	☐
(9) participating as an equal member of the child study team; and	☐	☐
(10) requesting a new individualized education program meeting any time it is felt that such is warranted.	☐	☐
B. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public		

	YES	NO
agency must have a record of its attempts to arrange a mutually agreed on time and place such as:		
(1) detailed records of telephone calls made or attempted and the results of those calls;		
(2) copies of correspondence sent to the parents and any responses received; and		
(3) detailed records of visits made to the parent's home or place of employment and the results of those visits.	☐	☐
C. The LEA/SOP shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.	☐	☐
D. The LEA/SOP shall give the parent, on request, a copy of the individualized education program.	☐	☐
III. Content of IEP		
The following components are included in the IEP:		
A. Statement of the child's present level of educational performance;	☐	☐
B. Statement of annual goals;	☐	☐
C. Short-term objectives;	☐	☐
D. Statement of the specific special education to be provided to the child;	☐	☐
E. Statement of related services to be provided to the child;	☐	☐
F. Statement of the extent to which the child will be able to participate in the regular educational program;	☐	☐
G. The projected date for the initation of services (date IEP is to be implemented);	☐	☐
H. The anticipated duration of services (date IEP is to be completed);	☐	☐
I. Appropriate objective criteria for determining whether the short-term instructional objectives are being achieved;	☐	☐
J. Dates for determining whether short-term instructional objectives are being achieved; and	☐	☐
K. Appropriate evaluation procedures for determining whether the short-term instructional objectives are being achieved.	☐	☐
IV. IEPs for Pupils Transferring From One LEA to Another LEA		
The LEA has developed procedures for developing an IEP regarding a transfer student from another LEA which includes the following provisions:		
A. The receiving district must conduct an IEP meeting, in accordance with P.L. 94-142, to review the pupil's former placement and school records and revise the IEP, where necessary;	☐	☐
B. The IEP meeting should take place within one calendar week after the parents enroll the pupil in the new LEA;	☐	☐
C. An IEP meeting must be held before the student receives special education and related services;	☐	☐
D. If additional information is needed before a final placement decision can be made, the LEA will utilize the interim IEP and temporarily place the pupil;	☐	☐
E. If the original IEP is not available, a new IEP must be developed in accordance with P.L. 94-142 and must be completed within thirty days following the pupil's transfer.	☐	☐
V. IEPs for Pupils Served in SOPs		
When a handicapped child is provided special education and related services by any public agency of the State, an individualized education program, developed in accordance with Public Law 94-142, must be in effect before special education and related services are provided.		
A. SOPs having educational responsibility must develop the individualized education program for all handicapped children under their jurisdiction.	☐	☐

	YES	NO
B. When an LEA initiates placement in an SOP having educational responsibility and the SOP accepts jurisdiction, the SOP must assume responsibility for conferring for review/revision of the current individualized education program involving the LEA initiating placement.	☐	☐
C. When a handicapped child formerly served by an SOP transfers to an LEA, the LEA shall be responsible for conferring with appropriate personnel from the SOP for review/revision of the child's individualized education program.	☐	☐
D. When an LEA maintains educational responsibility for a handicapped child and contracts with an SOP for service delivery, the LEA is responsible for initial development and subsequent reviews of the individualized education program.	☐	☐
E. When a handicapped child is placed in a public agency not having educational responsibility, the IEP shall be developed in accordance with Public Law 94-142 by the pupil's home school district and shall be in effect before special education and related services are provided. The home school district must assume responsibility for subsequent reviews/revisions of the individualized education program and must involve the affected SOP.	☐	☐

VI. Accountability

The LEA/SOP shall insure that special education and related services to a handicapped child are provided in accordance with an individualized education program. (However, this does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and objectives.)	☐	☐

•This item is applicable for SOPs only.
••This item is not applicable for SOPs.

VERIFICATION OF ANNUAL CHILD COUNT

State Department of Education
Office of Programs for the Handicapped

	YES	NO
Documentation (typed list of pupils counted for the previous December 1 Annual Child Count, class rolls with clear indication of pupils counted for the previous December 1 Annual Child Count, etc.) is available to substantiate the accuracy of the count. Reference: §613(a)(5)	☐	☐

LEA/SOP December 1 Count _____
(Year)

Number of Pupils Reported to the State Education Agency _____

Number of Pupils Verified During Monitoring Visit _____

Were any of the pupils included in the December 1 count also reported under P.L. 97-357? If yes, number of pupils _____.	☐	☐

COMMENTS

PROGRAM ENTRY

State Department of Education
Office of Programs for the Handicapped

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 —Tuesday, August 23, 1977).

Total Number of Pupils Monitored ☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
**1. The LEA/SOP maintains Placement Forms on handicapped pupils in accordance with State Board of Education regulations:			
(a) Placement Forms are signed by appropriate LEA official; and	☐	☐	☐
(b) All components on Placement Forms are addressed and completed appropriately. Reference: **Procedures for Survey, Screening, Evaluation, Placement and Dismissal of Children Into/Out of Programs for the Handicapped.**	☐	☐	☐
**2. The LEA/SOP maintains documentation (Placement Form, listing of pupils specifying dates and types of screening conducted, etc.) that pupils have received initial screening as required by State Board of Education regulations for each area of handicapping conditions. Reference: §300.532(f), §300.530	☐	☐	☐
*3. Biographical, social and cultural background data (written report, completed social history form, etc.) have been obtained for the pupils in accordance with State Board of Education regulations of July 1, 1976. Reference §300.530	☐	☐	☐
**4. Pupil records (Placement Form, evaluation reports, test protocols, etc.) verify that the required number/type of evaluation instruments have been administered in accordance with State Board of Education regulations. Reference: §300.530, §300.532	☐	☐	☐
5. Pupil records verify that the current reevaluation was completed within three years of the initial evaluation or of the previous reevaluation. Reference: §300.534(b)	☐	☐	☐
*6. ** Documentation exists to verify that evaluation instruments of intellectual functioning are administered by State Department of Education certificated personnel. (Documentation must be available to verify that psychological reports were administered/supervised/accepted by a Level II or Level III State Department of Education certificated psychologist.) Reference: §300.532(a)(3), §300.12	☐	☐	☐

*Not applicable for speech/language handicapped pupils.

Items 1, 2, 4 and 6 are not applicable for SOPs whose **Educational Standards/Defined Minimum Program include evaluative criteria/procedures which are different from those specified in the **Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped. These items will be monitored consistent with §300.530-532.**

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
*7. Pupil records (evaluation reports, Placement Form, test protocols, etc.) indicate that pupils were evaluated by a multidisciplinary team including at least one teacher or other specialist with knowledge in the area of the pupil's handicap. Reference: §300.532(e)			
8. Pupil records (Placement Form, evaluation reports, minutes of staffing/placement meeting, etc.) indicate that evaluation instruments have been administered to pupils prior to the date of placement in special education. Reference: §300.531			
9. Documentation (listing of IEP participants, minutes of staffing/placement meeting, etc.) is available to verify that placement decisions have been made by a group of persons including those knowledgeable relative to the meaning of the evaluation data and the available placement options. Reference: §300.533(a)(3)			
10. Written evidence (signed parental consent forms) indicates that parental consent for evaluation has been obtained.			
11. Written evidence (signed and dated parental consent forms) indicates that parental consent for evaluation has been obtained prior to the date of initial evaluation of the pupils. Reference: §300.504(b)(i)			
12. Written evidence (signed parental consent forms) indicates that parental consent for placement has been obtained.			
13. Written evidence (signed and dated parental consent forms) indicates that parental consent has been obtained prior to the initial placement of the pupils in special education in accordance with State Board of Education regulations of July 1, 1976. **Reference: §300.504(b)(ii)**			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
14. Documentation (written notice, correspondence, signed receipts, mailing list of parent handbook recipients, etc.) is available to demonstrate that the LEA/SOP has informed parents of their rights relative to procedural safeguards. Reference: §300.500-593			
THE FOLLOWING REQUIREMENTS ARE APPLICABLE FOR LEARNING DISABLED PUPILS ONLY:			
15. Documentation (referral information, anecdotal records, teacher reports, etc.) exists to verify that learning experiences appropriate for the pupil's age and ability levels have been provided to the pupil prior to placement in a program for the learning disabled. Reference: §300.541(a)(1)			
16. Pupil records (evaluation reports, multidisciplinary team reports, etc.) demonstrate that the learning disabled pupil was evaluated by additional team members to include the pupil's regular teacher and at least one (1) additional person qualified to conduct an individual diagnostic examination. Reference: §300.540, §300.532(e)			
17. Documentation (completed behavioral checklist, written report, etc.) exists to verify that at least one (1) team member, other than the pupil's regular teacher, observed the pupil in the regular classroom setting prior to the date of placement in a special education program. Reference §300.542.			
18. Pupil records (Placement Form, screening results, evaluation reports, social history, etc.) document that the pupil's severe discrepancy between ability and achievement is not primarily the result of the following factors:			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(a) visual handicap;			
(b) hearing handicap;			
(c) motor handicap;			
(d) mental retardation;			
(e) emotional disturbance;			
(f) environmental, economic or cultural disadvantage. Reference: §300.541(b)			
19. The LEA/SOP maintains a written report prepared by the multidisciplinary team which describes the results of the evaluation conducted on the learning disabled pupil. Reference: §300.543(a)			
(a) The report includes a statement of whether the pupil has a specific learning disability. Reference: §300.543(b)(1)			
(b) The report includes documentation (test results) regarding the basis for making such a determination. Reference: §300.543(b)(2)			
(c) The report includes a description of relevant behavior noted during observation of the pupil. Reference: §300.543(b)(3)			
(d) The report includes a statement of the relationship of the pupil's behavior to his/her academic functioning. Reference: §300.543(b)(4)			
(e) The report relates to educationally relevant medical findings, if any. Reference: §300.543(b)(5)			
(f) The report includes a statement that the severe discrepancy between achievement and ability is not correctable without special education and related services. Reference: §300.543(b)(6)			
(g) The report includes a statement relating to the effects of environmental, economic or cultural disadvantage as determined by the team. Reference: §300.543(b)(7)			
(h) Each team member certifies in writing whether the report reflects his or her conclusion. Reference: §300.543(c)			

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INDIVIDUALIZED EDUCATION PROGRAMS

State Department of Education
Office of Programs for the Handicapped

All citations, unless otherwise specified, are referenced to specific subsections (§) of the final Rules and Regulations of Public Law 94-142 (*Federal Register*, Volume 42, Number 163 — Tuesday, August 23, 1977, and *Federal Register*, Volume 46, Number 12, January 19, 1981).

Total Number of Pupils Monitored ☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. There is written evidence (copies of correspondence to parents, etc.) that parents were invited to attend/participate in the development of the IEP. Reference: §300.345(a)(b)	☐	☐	☐
2. There is written evidence (copies of correspondence to parents, etc.) that parents were notified regarding the following rights/information relative to the development/annual review of their child's IEP:			
(a) purpose of the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(b) time and location of the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(c) participants who will be in attendance at the IEP meeting; Reference: §300.345(b)	☐	☐	☐
(d) determining the parents' intention to attend/not attend the IEP meeting as scheduled; Reference: §300.345(c)(d)	☐	☐	☐
(e) informing parents of their right to reschedule the IEP meeting at a mutually agreed on time and location; Reference: §300.345(d)	☐	☐	☐
(f) informing parents of their right to have their child participate in the IEP meeting; Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.	☐	☐	☐
(g) informing parents of their right to bring other participants to the IEP meeting; Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.	☐	☐	☐
(h) informing parents of their right to obtain a copy of their child's IEP upon request. Reference: §300.345(f)	☐	☐	☐
3. In cases where parents were not in attendance at the IEP meeting, the LEA/SOP has records of its attempts to arrange a mutually agreed on time and location for an alternative IEP meeting. (Documentation may include: detailed records of telephone calls and results, copies of correspondence sent to parents and responses, records of visits to home or place of employment and results of visits, etc.) Reference: §300.345(d)	☐	☐	☐

*Not applicable for pupils whose sole handicap is a speech-language impairment.

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
4. In cases where parents were not in attendance at the IEP meeting, the LEA/SOP has records of the follow-up conducted with parents. (Documentation may include: detailed records of telephone calls and results, copies of correspondence sent to parents, records of visits to home or place of employment, etc.) Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976,* Volume 24.			
5. There is evidence (determining the date of the IEP meeting in comparison to the date of placement) that the IEP was in effect prior to placement of the handicapped child into a program of special education and related services. Reference: §300.342(b)(1)			
6. There is evidence (copy of last year's IEP, date of most recent IEP meeting, etc.) that the IEP has been reviewed and revised, if appropriate, at least annually. Reference: §300.343(d)			
7. It is documented (signatures on IEP, list of IEP participants, etc.) that all required participants are involved in the IEP planning meeting. Note: if the child's handicap is a speech-language impairment, the "teacher" may be the speech-language clinician; however, other teachers may also attend the meeting. Reference: §300.344			
8. The following components are included in the IEP. Reference: §300.346			
(a) statement of the child's present level of educational performance;			
(b) statement of annual goals;			
(c) short-term objectives;			
(d) statement of the specific special education to be provided to the child;			
(e) statement of related services to be provided to the child;			
(f) statement of the amount of related services to be provided to the child, if applicable;			
(g) statement of the extent to which the child will be able to participate in the regular educational program;			
(h) the projected date for the initiation of service (date IEP is to be implemented);			
(i) the anticipated duration of services (date IEP is to be completed);			
(j) appropriate objective criteria for determining whether the short-term instructional objectives are being achieved;			
(k) dates for determining whether short-term instructional objectives are being achieved;			
(l) appropriate evaluation procedures for determining whether the short-term instructional objectives are being achieved;			
(m) statement of participation in state-wide testing programs; Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976,* Volume 24.			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
*(n) statement of the physical education activities to be provided (regular P.E., adaptive P.E., specially designed P.E., P.E. in a special setting). Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.			
*9. In cases where the child requires specially designed/adaptive P.E., specific short-term objectives were included in the IEP. Reference: §300.307(a); §300.14(a)(1)			
*10. The IEP documents whether or not the student will participate in vocational education. Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.			
*11. If specially designed vocational education is specified, objectives are set forth within the IEP. Reference: §300.305; §300.14(a)(3)			
THE FOLLOWING REQUIREMENTS ARE APPLICABLE ONLY FOR HANDICAPPED CHILDREN PLACED IN A PRIVATE SCHOOL BY THE LEA:			
	Total Children Placed		
12. There is evidence that before the LEA placed a handicapped child in, or referred a child to a private school or facility, the LEA initiated and conducted a meeting to develop an IEP for the child in accordance with Regulation 300.343. Reference: §300.347(a)			
13. There is evidence (correspondence, telephone logs, etc.) that the LEA insures that the parents, a private school representative and an LEA representative are involved in the development, review, and revision of the IEP for each handicapped pupil placed in a private school by the LEA. Reference: §300.347			
THE FOLLOWING REQUIREMENT IS APPLICABLE ONLY FOR HANDICAPPED CHILDREN WHO ARE ENROLLED BY PARENTS IN A PRIVATE SCHOOL AND WHO PARTICIPATE IN SPECIAL EDUCATION SERVICES PROVIDED BY THE LEA:			
14. There is evidence that the LEA initiated and conducted meetings to develop, review, and revise an IEP for the child, in accordance with Regulation 300.343. Reference: §300.348(a)			
15. In cases where a child is enrolled in a private or parochial school and participates in special education and related services provided by the LEA, there is evidence (correspondence, telephone logs, etc.) that the LEA insures participation by a representative of the private or parochial school in the development, review and revision of the child's IEP. Reference: §300.348(b)			

Implementation of LEA/SOP Procedures Concerning Procedural Safeguards

Total Number of Pupils Monitored ☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
I. Notification			
The LEA/SOP maintains written evidence to verify the implementation of the following procedures which insure that:			
A. Notification to parents is provided in the primary language of the home, unless it is clearly not feasible to do so. Reference: §300.505(b)(2)	☐	☐	☐
B. Notification is written in language understandable to the general public. Reference: §300.505(b)(1)	☐	☐	☐
C. If the native language or other mode of communication of the parent is not a written language, the LEA/SOP shall take steps to insure that: Reference: §300.505(c)(1)(2)			
(1) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; and	☐	☐	☐
(2) the parent understands the content of the notice.	☐	☐	☐
II. Independent Educational Evaluation			
The LEA/SOP maintains written evidence to verify the implementation of the following procedures relative to independent educational evaluation which provide that:			
A. Parents are informed of their right to obtain an independent evaluation. Reference: §300.503(a)(1)	☐	☐	☐
B. A list of places where a parent may obtain an independent evaluation will be provided upon request. Reference: §300.503(a)(2)	☐	☐	☐
C. If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the LEA/SOP in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a hearing regarding the child. Reference: §300.503(c)(1)	☐	☐	☐
D. If a hearing officer requests an independent evaluation as part of the hearing, the cost of the evaluation must be at public expense. Reference: §300.503(d)	☐	☐	☐
E. Whenever an independent evaluation is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the LEA/SOP uses when it initiates an evaluation. Reference: §300.503(e)	☐	☐	☐
III. Parental Consent/Notification			
A. The LEA/SOP maintains written evidence to verify that parental consent is obtained prior to:			
(1) conducting a preplacement evaluation; Reference: §300.504(b)(i)	☐	☐	☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(2) initial placement of a handicapped child in a program providing special education and related services; Reference: §300.540(b)(ii)			
(3) any change in educational placement following initial placement (with the exception of pupil dismissal, which requires parent notification and the opportunity for input into the decision). Reference: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.			
B. When the LEA/SOP proposes/refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education to the child, there is written evidence to verify that a notice is provided to parents which includes the following: Reference: §300.505(a)(1)(2)(4)			
(1) a description of the action proposed/refused by the LEA/SOP;			
(2) an explanation of the reasons for proposing/refusing to carry out the requested action;			
(3) a description of any options considered and the reasons for rejecting these options;			
(4) a statement of the parents' right to request a due process hearing and a full description of the procedural safeguards available; and			
(5) a description of any factors relevant to the action.			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
IV. Procedures for Evaluation/Reevaluation			
The LEA/SOP maintains written evidence to verify the implementation of procedures relative to evaluation;			
A. Notification to parents prior to conducting a preplacement evaluation includes: References: South Carolina State Board of Education Regulation 43-243, *Code of Laws of South Carolina 1976*, Volume 24.			
(1) the reasons for the requested evaluation and the name of the person who initiated the process;			
(2) the proposed evaluation procedures;			
(3) a statement that the parents will be informed of the evaluation schedule;			
(4) a description of the testing procedures and instruments to be utilized and the limitations of the instruments;			
(5) a description of how the findings of the evaluation will be used;			
(6) a statement that the parents will be informed of the results of the evaluation;			
(7) a description of all procedural safeguards available;			
(8) a statement of the parents' right to refuse permission for the evaluation, with the understanding that the LEA/SOP can request a hearing to present its reasons and try			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
to obtain approval to conduct the evaluation;			
(9) an explanation of other rights pertaining to the evaluation process;			
(10) a list of the sources whereby a parent may obtain free/low cost legal services;			
(11) a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted; and			
(12) a statement of any other factors relevant to the proposed action.			
B. Parents are notified of the evaluation/reevaluation schedule. Reference: South Carolina State Board of Education Regulations 43-243, *Code of Laws of South Carolina 1976*, Volume 24.			
C. Before any action is taken with respect to the initial placement or reevaluation of a handicapped child in a special education program, a full and individual evaluation of the child's educational needs is conducted in accordance with the following requirements: Reference: §300.532			
(1) Tests and other evaluation materials:			
(a) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(b) have been validated for the specific purpose for which they are used;			
(c) are administered by trained personnel in conformance with the instructions provided by their producer;			
(d) tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient;			
(e) tests are selected and administered so as best to insure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors which the test purports to measure);			
(f) no single procedure is used as the sole criterion for determining an appropriate educational program for a child;			
(g) the evaluation is made by a multidisciplinary team or group of persons, including at least one teacher or other specialist with knowledge in			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
the area of suspected disability; and			
(h) the child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.			
(2) Testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children are selected and administered so as not to be racially or culturally discriminatory.			
D. Following evaluation/reevaluation the LEA/SOP notifies the parents that the evaluation has been completed. The notice includes the following:			
(1) the results of the evaluation and the educational implications;			
(2) a statement of the parents' right to attend a meeting of the staffing/placement committee;			
(3) a statement of the parents' right to refuse permission for placement, with the understanding that the LEA/SOP can request a due process hearing to present its reasons and try to obtain approval for placement;			
(4) an explanation of other rights pertaining to the placement process;			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
(5) a full description of all procedural safeguards available;			
(6) a declaration that the child's educational status shall not be changed without the knowledge and written approval of the parent, or until the notice and due process procedures have been exhausted;			
(7) a list of the sources whereby a parent may obtain free/low cost legal services; and			
(8) a statement of any other factors relevant to the proposed action.			
V. Procedures for Placement			
The LEA/SOP maintains written evidence to verify the implementation of procedures relative to placement which address the following components: Reference: §300.533			
A. In interpreting evaluation data and in making placement decisions, each public agency shall:			
(1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;			
(2) insure that information obtained from all of these sources is documented and carefully considered;			
(3) insure that the placement decision is made by a group of persons, including persons knowledgeable			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
about the child, the meaning of the evaluation data, and the placement options; and			
B. Within thirty (30) days after determining a child's need for special education and related services, a meeting to formulate an individualized education program (IEP) must be conducted.			

Implementation of LEA/SOP Procedures Concerning Surrogate Parents

Total Number of Pupils Monitored

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
I. There is evidence that the LEA/SOP has implemented procedures for assigning an individual to act as a surrogate parent including:			
A. the determination of need for a surrogate parent to insure that: Reference: §300.514(a). (1) no parent (as defined in §300.10) can be identified; (2) the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or (3) the child is a ward of the State under the laws of that State.			
B. the actual assignment of a surrogate parent in matters relating to the following: Reference: §300.514(e). (1) the identification, evaluation, and educational placement of the child, and (2) the provision of a free appropriate public education to the child.			

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
II. There is evidence that the LEA/SOP has implemented procedures to insure that surrogate parents meet the following qualifications: Reference: South Carolina Board of Education Regulation 43-243, *Code of Laws of South Carolina, 1976,* Volume 24. A. be adults with no vested interest that would conflict with their primary allegiance to the child they represent; B. be thoroughly acquainted with the child's educational needs; C. possess an understanding of the cultural and linguistic background of the children they represent; D. not be an employee of the LEA/agency involved in the education or care of the child. (A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.)			

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Implementation of LEA/SOP Procedures Concerning Least Restrictive Environment

Total Number of Pupils Monitored ☐

A. Method(s) the LEA/SOP has adopted to document general placement procedures. _____

B. Method(s) the LEA/SOP has adopted for documenting the basis for the decision to remove a child from the regular class environment. _____

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. This pupil's placement is determined at least annually. Reference: §300.552(a)(1)	☐	☐	☐
2. Placement is based on the pupil's completed Individualized Education Program. Reference: §300.552(a)(2)	☐	☐	☐
3. The placement decision was made by a group of persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. Reference: §300.533 (3) and (4)	☐	☐	☐
4. Placement meetings, including initial IEP development, annual review of placement, or any other review or revision, were conducted or supervised by personnel designated to be responsible for the provision of special education by the public agency. Reference: §300.343	☐	☐	☐

	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. The placement decision for this pupil was individually determined. Reference: §300.552 and comment	☐	☐	☐
2. The nature or severity of the handicap makes the pupil's presence in regular classes disruptive in terms of his education or the education of other students in the class. Reference: §300.550(b)(2) and comment	☐	☐	☐
3. Education in the regular class cannot be achieved satisfactorily even with the use of aids and services. Factors (for example, curriculum or teaching approaches) which might contribute to lack of achievement have been addressed. Reference: §300.550(b)(2)	☐	☐	☐

Implementation of LEA/SOP Procedures Concerning Least Restrictive Environment

C. Method(s) the LEA/SOP has adopted for documenting the basis for individual placement decisions.

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	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. The individual placement decision is based on the pupil's need for special education and related services, not based on the availability of related services or configuration of the service delivery system. Reference: §300.552			
2. Consideration has been given to any potential harmful effect on the child or the quality of service needed. Reference: §300.552(d)			
3. If this pupil is placed in an environment other than the pupil's home school, the placement is as close as possible to the pupil's home and required by the IEP. Reference: §300.552 and comment			
4. This handicapped child is educated with children who are not handicapped to the maximum extent appropriate. Reference: §300.550(a)(1)			
5. The educational environment in which this handicapped child is placed provides an opportunity for interaction with non-handicapped peers to the maximum extent appropriate. Reference: §300.550(b)(1); 300.553			
6. The documentation for the placement decision for this child includes the placement options and related services considered and the rationale for both the rejection of options and for the placement decision. Reference: §300.550(a)			

Implementation of LEA/SOP Procedures Concerning Least Restrictive Environment

D. Method(s) the LEA/SOP has adopted for documenting the participation of handicapped children in non-academic and extra-curricular activities.

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	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. Non-academic and extra-curricular services and activities normally provided to non-handicapped children are available to this child to the maximum extent appropriate. Reference: §300.553			
2. If academic instruction is provided in special classes or other restrictive settings, non-academic and extra-curricular activities are provided to this handicapped child with non-handicapped children in the regular or least restrictive environment to the maximum extent appropriate to the needs of this child. Reference: §300.553			
3. This child participates in the regular physical education program available to non-handicapped children, unless the child is enrolled full time in a separate facility or needs specially designed physical education, as prescribed in the child's IEP. Reference: §300.307(b)			

E. Method(s) the LEA/SOP has adopted to document program and service availability.

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	Number of Pupils Meeting Requirements	Number of Pupils NOT Meeting Requirements	N/A
1. In the educational environment this handicapped child has available to him any program or activity in which non-handicapped students participate (including art, music, industrial arts, consumer education, homemaking education, and vocational education). Reference: §300.305			
2. This child participates in physical education services, specially designed if necessary. Reference: §300.307(a)			
3. If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child has provided the services directly, or made arrangements for it to be provided through other public or private programs. Reference: §300.307(c)			

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Comments